



Rep. Dan Brady

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09500HB3170ham003

LRB095 06980 RAS 35799 a

1 AMENDMENT TO HOUSE BILL 3170

2 AMENDMENT NO. _____. Amend House Bill 3170 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Sections 4 and 9 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report. Any physician,
9 resident, intern, hospital, hospital administrator and
10 personnel engaged in examination, care and treatment of
11 persons, surgeon, dentist, dentist hygienist, osteopath,
12 chiropractor, podiatrist, physician assistant, substance abuse
13 treatment personnel, funeral home director or employee,
14 coroner, medical examiner, emergency medical technician,
15 acupuncturist, crisis line or hotline personnel, school
16 personnel (including administrators and both certified and

1 non-certified school employees), educational advocate assigned
2 to a child pursuant to the School Code, truant officers, social
3 worker, social services administrator, domestic violence
4 program personnel, registered nurse, licensed practical nurse,
5 genetic counselor, respiratory care practitioner, advanced
6 practice nurse, home health aide, director or staff assistant
7 of a nursery school or a child day care center, recreational
8 program or facility personnel, law enforcement officer,
9 licensed professional counselor, licensed clinical
10 professional counselor, registered psychologist and assistants
11 working under the direct supervision of a psychologist,
12 psychiatrist, or field personnel of the Department of
13 Healthcare and Family Services, Public Health, Human Services
14 (acting as successor to the Department of Mental Health and
15 Developmental Disabilities, Rehabilitation Services, or Public
16 Aid), Corrections, Human Rights, or Children and Family
17 Services, supervisor and administrator of general assistance
18 under the Illinois Public Aid Code, probation officer, or any
19 other foster parent, homemaker or child care worker having
20 reasonable cause to believe a child known to them in their
21 professional or official capacity may be an abused child or a
22 neglected child shall immediately report or cause a report to
23 be made to the Department.

24 Any member of the clergy having reasonable cause to believe
25 that a child known to that member of the clergy in his or her
26 professional capacity may be an abused child as defined in item

1 (c) of the definition of "abused child" in Section 3 of this
2 Act shall immediately report or cause a report to be made to
3 the Department.

4 If an allegation is raised to a school board member during
5 the course of an open or closed school board meeting that a
6 child who is enrolled in the school district of which he or she
7 is a board member is an abused child as defined in Section 3 of
8 this Act, the member shall direct or cause the school board to
9 direct the superintendent of the school district or other
10 equivalent school administrator to comply with the
11 requirements of this Act concerning the reporting of child
12 abuse. For purposes of this paragraph, a school board member is
13 granted the authority in his or her individual capacity to
14 direct the superintendent of the school district or other
15 equivalent school administrator to comply with the
16 requirements of this Act concerning the reporting of child
17 abuse.

18 Notwithstanding any other provision of this Act, if an
19 employee of a school district has made a report or caused a
20 report to be made to the Department under this Act involving
21 the conduct of a current or former employee of the school
22 district and a request is made by another school district for
23 the provision of information concerning the job performance or
24 qualifications of the current or former employee because he or
25 she is an applicant for employment with the requesting school
26 district, the school district to which the request is being

1 made must disclose to the requesting school district the fact
2 that an employee of the school district has made a report
3 involving the conduct of the applicant or caused a report to be
4 made to the Department, as required under this Act. Only the
5 fact that an employee of the school district has made a report
6 involving the conduct of the applicant or caused a report to be
7 made to the Department may be disclosed by the school district
8 to which the request for information concerning the applicant
9 is made, and this fact may be disclosed only in cases where the
10 employee has not been informed by the Department that the
11 allegations were unfounded.

12 Whenever such person is required to report under this Act
13 in his capacity as a member of the staff of a medical or other
14 public or private institution, school, facility or agency, or
15 as a member of the clergy, he shall make report immediately to
16 the Department in accordance with the provisions of this Act
17 and may also notify the person in charge of such institution,
18 school, facility or agency, or church, synagogue, temple,
19 mosque, or other religious institution, or his designated agent
20 that such report has been made. Under no circumstances shall
21 any person in charge of such institution, school, facility or
22 agency, or church, synagogue, temple, mosque, or other
23 religious institution, or his designated agent to whom such
24 notification has been made, exercise any control, restraint,
25 modification or other change in the report or the forwarding of
26 such report to the Department.

1 The privileged quality of communication between any
2 professional person required to report and his patient or
3 client shall not apply to situations involving abused or
4 neglected children and shall not constitute grounds for failure
5 to report as required by this Act.

6 A member of the clergy may claim the privilege under
7 Section 8-803 of the Code of Civil Procedure.

8 In addition to the above persons required to report
9 suspected cases of abused or neglected children, any other
10 person may make a report if such person has reasonable cause to
11 believe a child may be an abused child or a neglected child.

12 Any person who enters into employment on and after July 1,
13 1986 and is mandated by virtue of that employment to report
14 under this Act, shall sign a statement on a form prescribed by
15 the Department, to the effect that the employee has knowledge
16 and understanding of the reporting requirements of this Act.
17 The statement shall be signed prior to commencement of the
18 employment. The signed statement shall be retained by the
19 employer. The cost of printing, distribution, and filing of the
20 statement shall be borne by the employer.

21 The Department shall provide copies of this Act, upon
22 request, to all employers employing persons who shall be
23 required under the provisions of this Section to report under
24 this Act.

25 Any person who knowingly transmits a false report to the
26 Department commits the offense of disorderly conduct under

1 subsection (a) (7) of Section 26-1 of the "Criminal Code of
2 1961". Any person who violates this provision a second or
3 subsequent time shall be guilty of a Class 3 felony.

4 Any person who knowingly and willfully violates any
5 provision of this Section other than a second or subsequent
6 violation of transmitting a false report as described in the
7 preceding paragraph, is guilty of a Class A misdemeanor for a
8 first violation and a Class 4 felony for a second or subsequent
9 violation; except that if the person acted as part of a plan or
10 scheme having as its object the prevention of discovery of an
11 abused or neglected child by lawful authorities for the purpose
12 of protecting or insulating any person or entity from arrest or
13 prosecution, the person is guilty of a Class 4 felony for a
14 first offense and a Class 3 felony for a second or subsequent
15 offense (regardless of whether the second or subsequent offense
16 involves any of the same facts or persons as the first or other
17 prior offense).

18 A child whose parent, guardian or custodian in good faith
19 selects and depends upon spiritual means through prayer alone
20 for the treatment or cure of disease or remedial care may be
21 considered neglected or abused, but not for the sole reason
22 that his parent, guardian or custodian accepts and practices
23 such beliefs.

24 A child shall not be considered neglected or abused solely
25 because the child is not attending school in accordance with
26 the requirements of Article 26 of the School Code, as amended.

1 (Source: P.A. 93-137, eff. 7-10-03; 93-356, eff. 7-24-03;
2 93-431, eff. 8-5-03; 93-1041, eff. 9-29-04; 94-888, eff.
3 6-20-06.)

4 (325 ILCS 5/9) (from Ch. 23, par. 2059)

5 Sec. 9. Any person, institution or agency, under this Act,
6 participating in good faith in the making of a report or
7 referral, or in the investigation of such a report or referral
8 or in the taking of photographs and x-rays or in the retaining
9 a child in temporary protective custody or in making a
10 disclosure of information concerning reports of child abuse and
11 neglect in compliance with Sections 4.2 and 11.1 of this Act or
12 Section 4, as it relates to disclosure by school personnel,
13 shall have immunity from any liability, civil, criminal or that
14 otherwise might result by reason of such actions. For the
15 purpose of any proceedings, civil or criminal, the good faith
16 of any persons required to report or refer, or permitted to
17 report, cases of suspected child abuse or neglect or permitted
18 to refer individuals under this Act or required to disclose
19 information concerning reports of child abuse and neglect in
20 compliance with Sections 4.2 and 11.1 of this Act, shall be
21 presumed.

22 (Source: P.A. 90-15, eff. 6-13-97.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."